

**Remarks**

Claims 1 and 16 have been amended and claims 9-15 and 24-32 have been cancelled for budgetary purposes. Claims 34-48 have been added. Claims 1-8, 16-23 and 33-48 are now pending in the present invention. Reconsideration and allowance of the pending claims are respectfully requested.

**Drawing Objection**

The Official Action indicated that application admits to illustration by a drawing to facilitate understanding of the invention. Applicant respectfully submits that figures 1-4 as filed with the present application and published on May 20, 2002 facilitate understanding of the present invention. Applicant respectfully requests the Examiner to provide further guidance regarding any perceived inadequacies with the filed figures under 37 CFR 1.81 if such objection is maintain.

**Claim rejections under 35 U.S.C. 102**

The Office Action rejects claims 1-5, 8-13, 15-20, 23-28 and 31-33 under 35 U.S.C. 102 (e) as being anticipated by Kuwaoka (US PAT. 6,449,519). Applicant has amended claims 1 and 16, and has cancelled claims 9-15 and 24-32. Applicant respectfully requests the rejection of claims 1-5, 8, 16-20, 23 and 33 be withdrawn.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Office Action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Office Action has not

succeeded in making a *prima facie* case.

Each of claims 1 and 16 comprises a monitor arrangement to monitor for predetermined evidence of occurrence of **ancillary sound instructions** which differ from said **primary sound instructions**. The Office Action deems that the ancillary sound instruction corresponds to the data pattern 25a of Kuwaoka and the primary sound instruction corresponds to the audio data 21 of Kuwaoka. Applicant respectfully points out that the meaning of the term 'data' is different from that of the term 'instruction'. It is well known that data is processed by a circuit, but instructions instruct a circuit to perform a particular operation. The harmonic generation circuit of Kuwaoka processes audio data 21 and data pattern 25a to form a harmonic component and outputs an acoustic data by adding the harmonic component to the audio data (lines 27-67 of column 8 and lines 1-3 of column 9). It can be seen that audio data 21 is processed by the harmonic generation circuit of Kuwaoka and does not instruct the harmonic generation circuit to perform a particular action. Thus, Kuwaoka does not anticipate the invention of claims 1 and 16 since Kuwaoka does not disclose ancillary sound **instructions** and primary sound **instructions**.

For reasons similar to the above, claim 33, which comprises a monitor arrangement to monitor for indication of occurrence of a predetermined **legacy sound instruction**, is allowable too.

Claims 2-8, 17-20, and 23 respectively depend on claims 1 and 16. Therefore, claims 2-8, 17-20, and 23 are at least allowable for the reasons noted above.

Applicant respectfully requests the rejection of claims 2-8, 17-20, and 23 be

withdrawn.

If the Examiner elects to maintain the present rejection of claims 1-5, 8, 16-23 and 33, Applicant respectfully requests the Examiner to identify with more specificity (e.g. column and line number) where Kuwaoka teaches the instruction limitations of the respective claims.

#### **Claim rejections under 35 U.S.C. 103**

The Office Action rejected claims 6-7, 14, 21-22 and 29-30 under 35 U.S.C. 103(a) as being unpatentable over Kuwoka in view of Barmore (US PAT 6,647,451).

Applicant respectfully submits that the pending application and Barmore were, at the time the invention of the pending application was made, commonly owned by Intel Corporation, Santa Clara, CA (US). Accordingly, Barmore, a 35 U.S.C. 102(e) reference, is disqualified as prior art against the current invention under 35 U.S.C. 103(c).

#### **Newly Added Claims**

Newly added claims 34-38 depend on claim 33. Accordingly, claims 34-38 are allowable for at least the reasons stated above in regard to claim 33.

In addition, Applicant has added new claims 39-47 which contain limitations not disclosed, taught, or suggested by the cited art. In particular, claim 39 recites an apparatus comprises a monitor to detect a timer instruction associated with a timer generated tone; and a controller to emulate the timer generated tone in response to the monitor detecting the timer instruction, which the cited references fail to disclose,

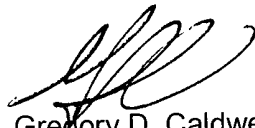
teach or suggest. Claim 44 recites a method corresponding to the apparatus of claim 39.

### Conclusion

The foregoing is submitted as a full and complete response to the Official Action. Applicant submits that the application is in condition for allowance. Reconsideration is requested, and allowance of the pending claims is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666. If the Examiner believes that there are any informalities, which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (503) 439-8778 is respectfully solicited.

Respectfully submitted,



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